

Application No. 10/634,041

Amendment dated 3/15/2005 responding to Office Action dated 12/01/2004

### **REMARKS**

These remarks address the Examiner's comments made in the Office Action mailed 11/03/2004. The section numbers used below parallel those used in corresponding sections of the office action.

#### **(1) New Issues of Clarity**

Applicant believes that this section was not intended by the Examiner to require any response, but was merely informational.

#### **(2) Objection to Specification**

The office action objects to the specification as failing to provide proper antecedent basis for the language "The fork bottoms extend beyond an outer diameter of the wheel" in claim 19.

FIG. 1 clearly shows the fork bottom 20 extending beyond the outer diameter of the wheel 14. The upper end of the fork bottom is some distance above the reference number 20, and the uppermost point of the outer diameter of the wheel is some distance below the reference number 20.

#### **(3) 112 Rejection of Claim 19**

Nonetheless, Applicant has amended claim 19 to further clarify the matter; claim 19 as amended now more specifically indicates that the upper end of the fork lower extends above the top of the wheel, and parent claim 15 has also been amended to specifically recite the wheel itself, and not merely a wheel assembly.

#### **(4) Rejection over Hoose**

Claims 2, 9, 11, 14, and 18-20 were rejected under 35 USC 102(b) over US Patent No. 6,017,047 to Hoose.

Claims 2 and 14 have been cancelled, with their subject matter being incorporated into objected-to dependent claims 3 and 15, respectively. Applicant believes that the rejections of claims 9, 11, and 18-20 are therefore moot.

However the following few comments are offered in anticipation of the filing of a divisional application. Applicant now understands that he and the Examiner have been using different definitions of "stiffness". This clarifies the issue quite helpfully.

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Hoose's lower female fork tubes 41, 42 are not "fork lowers" as defined in this application. They are fork tubes. Furthermore, they are of the conventional cylindrical shape, and must of necessity have the same stiffness in all radial directions, including longitudinal and lateral. Because of the rake angle (shown in his Figure 8), the forks as a whole will telescope in response to bumps encountered in the longitudinal direction of the motorcycle's travel, and the forks as a whole would not flex in response to a bump encountered laterally (see his Figure 1). However, in neither case would his lower fork tubes 41, 42 flex – they would only telescope with respect to the male fork tubes 1, 2.

By way of contrast, Applicant's fork lower 20 (see FIG. 5) will flex more in the lateral direction than in the longitudinal direction, completely independent of any telescopic action. The fork lower has a cross-sectional shape which inherently provides this characteristic. Those skilled in the art will recognize this as a well-known attribute of various C-channel and I-beam shaped members.

Hoose is utterly silent as to the effect, if any, that his plates 41c, 42c have on the stiffness of the lower female fork tubes 41, 42. In fact, Hoose is silent regarding stiffness, period. Plates 41c, 42c are only taught as being for mounting the front axle (col. 2 lines 60-62). It may, in fact, be the case that these tiny plates may make the tubes less stiff in the longitudinal direction. Any improvement in stiffness would be utterly meaningless – perhaps measurable by scientific equipment, but of zero consequence at the race track or on the street.

These things notwithstanding, Applicant has amended claim 3 to recite that the fork bottom is rigidly coupled to the lower fork tube, and amended claim 15 to recite that the fork bottom is non-telescopingly coupled to the lower fork tube, which are contrary to the Hoose teachings.

#### **(5) Allowable Subject Matter**

Claims 3-8 and 15-17 were indicated as being allowable if rewritten or amended to include all the limitations of their base and intervening claims. Claims 21-24 and 26-28 were indicated as allowable.

Claim 3 has been amended to include all limitations of Claim 2. Claims 4-9, 11-12 depend ultimately from amended Claim 3. Claim 15 has been amended to include all limitations of Claim 14. Claims 16-20 depend ultimately from amended Claim 15.

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Amendment 3

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**CONCLUSION**

Applicant respectfully submits that all remaining Claims are now in condition for allowance, and respectfully requests issuance of the patent.

Respectfully submitted,



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Date:

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